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BLACKBERRY LIMITED and
BLACKBERRY CORPORATION

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

AFFINITY LABS OF TEXAS, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC f/k/a SAMSUNG
TELECOMMUNICATIONS AMERICA, L.P.,
HIGH TECH COMPUTER CORP., a/k/a HTC
CORP., H.T.C. (B.V.I.) CORP., AND HTC
AMERICA, INC.,

Defendants.

Case No: C-14-2717-YGR

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

Pursuant to Civil L.R. 3-12, in the matter of *Affinity Labs of Texas, LLC v. Samsung Electronics Co., Ltd., et al.*, Case No. C-14-2717-YGR (N.D. Cal.) (“*Affinity v. Samsung I*”), the undersigned parties Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America, LLC (collectively, “Samsung”), BlackBerry Limited, and BlackBerry Corp. (collectively, “BlackBerry”), by and through their counsel, hereby respectfully submit this administrative motion requesting that the Court relate the following cases:¹

- *Affinity Labs of Texas, LLC v. Samsung Electronics Co., Ltd., et al.*,
Case No. 6:13-cv-00364-WSS (W.D. Tex.) (“*Affinity v. Samsung II*”)
- *Affinity Labs of Texas, LLC v. BlackBerry Limited, et al.*,
Case No. 6:13-cv-00362-WSS (W.D. Tex.) (“*Affinity v. BlackBerry*”)

I. BACKGROUND

On November 20, 2012, Affinity filed the *Affinity v. Samsung I* action against Samsung and HTC in the Eastern District of Texas, alleging infringement of U.S. Patent No. 7,187,947, U.S. Patent No. 7,324,833, U.S. Patent No. 7,634,228, and U.S. Patent No. 7,953,390. On February 15, 2013, Affinity filed an Amended Complaint, adding U.S. Patent No. 8,359,007. All five asserted patents are in the same “family” and share the same patent specification. On July 3, 2013, Samsung and HTC moved to transfer this action from the Eastern District of Texas to the Northern District of California. On September 18, 2013, Judge Clark conditionally granted Samsung’s and HTC’s motion to transfer, effective upon entry of the Court’s claim construction Order on the ’833 and ’228 patents. On January 10, 2014, Judge Clark conducted a claim construction hearing on these patents, and on June 4, 2014 issued a claim construction Order and an Order transferring the *Affinity v. Samsung I* action from the Eastern District of Texas to the Northern District of California.

Affinity filed the *Affinity v. Samsung II* action against Samsung in the Western District of Texas on November 21, 2013, alleging infringement of U.S. Patent No. 8,532,641. Affinity

¹ Defendants HTC Corp. and HTC America, Inc. (collectively, “HTC”), defendants in the *Affinity v. Samsung I* action, do not oppose the instant motion.

also filed the *Affinity v. BlackBerry* action against BlackBerry in the Western District of Texas on November 21, 2013, alleging infringement of the '641 patent. The '641 patent is in the same patent family and shares the same patent specification with the patents asserted in *Affinity v. Samsung I*. On February 20, 2014, Samsung moved to transfer the *Affinity v. Samsung II* action to the Northern District of California. On March 11, 2014, BlackBerry moved to transfer the *Affinity v. BlackBerry* action to the Northern District of California. On June 11, 2014, Judge Smith issued respective Orders transferring the *Affinity v. Samsung II* and *Affinity v. BlackBerry* actions from the Western District of Texas to the Northern District of California. (Hong Declaration, Exs. A and B).

II. THE CASES SHOULD BE DEEMED RELATED

In the *Affinity v. Samsung I*, *Affinity v. Samsung II*, and *Affinity v. BlackBerry* actions, the same Plaintiff asserts claims alleging infringement of patents from the same patent family. The patents in these actions all share the same specification and inventors, claim priority to the same patent application, and involve the same subject matter. Furthermore, the *Affinity v. Samsung I* and *Affinity v. Samsung II* actions, with respect to Samsung, involve the same parties, the same accused products, the same technology, and the same patent family. The *Affinity v. Samsung II* and *Affinity v. BlackBerry* actions involve the same patent and were previously consolidated in the Western District of Texas for pretrial issues before being transferred to the Northern District of California.

The *Affinity v. Samsung I*, *Affinity v. Samsung II*, and *Affinity v. BlackBerry* actions are therefore related because the actions concern substantially the same parties, property, transaction or event, and it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges. *See* Civil L.R. 3-12. An order relating these actions will serve the interests of judicial economy by avoiding the duplication of labor and expense that would likely result from conducting these cases in an uncoordinated manner.

III. CONCLUSION

For the foregoing reasons, Defendants Samsung and Blackberry respectfully request that the Court enter an order relating the *Affinity v. Samsung I*, *Affinity v. Samsung II*, and *Affinity v. BlackBerry* actions.

Respectfully submitted,

June 16, 2014

By /s/ Gabrielle E. Higgins

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By /s/ Jon Dean

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I attest that concurrence in the filing of this document has been obtained from Jon Dean,
whose conformed signature is set forth above.

/s/ Gabrielle E. Higgins
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